

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEWEY DEAN MILLER,

Defendant.

8:11CR251

MEMORANDUM AND ORDER

This matter is before the Court on the Defendant's Motion to Vacate under 28 U.S.C. § 2255, ECF No. 198. Because the Defendant's conviction and sentence for violation of the conditions of his supervised release is on direct appeal to the United States Court of Appeals for the Eighth Circuit, his judgment of conviction has not become final, his Motion is premature, and this Court lacks jurisdiction to entertain the Motion. See 28 U.S.C. § 2255 (f)(1).

IT IS ORDERED:

1. The Motion to Vacate under 28 U.S.C. § 2255, ECF No. 198, submitted by Defendant Dewey Dean Miller, is denied without prejudice; and
2. The Clerk is directed to mail a copy of this Order to the Defendant at his last known address.

Dated this 13th day of March, 2018.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge